



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

12

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,766	05/25/2001	David K. Thatcher	4313 P	5765

7590 05/08/2002

Lloyd W. Sadler
MCCARTHY & SADLER, LC
Suite 100
39 Exchange Place
Salt Lake City, UT 84111

EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
----------	--------------

1744

DATE MAILED: 05/08/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,766

Applicant(s)

THATCHER ET AL.

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 101a(✓figs 1, 3 and 5-6), 101b(✓figs. 1 and 4-6) and 401(✓fig. 4). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

✓2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "116b" has been used to designate both drive belt(paragraph 55) and gear belt(paragraph 58). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

✓ Paragraph 1, '6Field' should be replaced with 'Field'.

✓ Paragraph 38, 'through he' should be replaced with 'through the'.

Paragraph 55, 'the gear motor 501' should be replaced with 'a gear motor 501';

✓ 'to the rear frame 118' should be replaced with 'to a rear frame 118'.

Paragraph 60, 'the alternator 601' should be replaced with 'an alternator 601'.

✓ Paragraph 62, '18A' should be replaced with 'A'.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-7 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

- ✓ Claims 2-14, 'A scrubbing' should be replaced with 'The scrubbing'.
- ✓ Claim 3, it is unclear as to where the 'second scrubber' is located in relationship to the other previously recited elements.
- ✓ Claim 4, lines 3-4, it is unclear as to where the 'refuse fluid' comes from.
- ✓ Claim 5, it is unclear as to where the 'first drive wheel' and 'second drive' are located in relationship to the other previously recited elements and each other;
- ✓ Line 2, should 'second drive' be 'second drive wheel'?
- ✓ Claim 6, it is unclear as to where the 'first and second stability wheels' are located in relationship to the other previously recited elements and each other.
- ✓ Claim 7, it is unclear as to where the 'control panel' is located in relationship to the other previously recited elements.
- ✓ Claim 9, it is unclear as to structural relationship between the 'scrubber pad' and the 'gear box'.

Art Unit: 1744

✓ Claim 10, it is unclear as to structural relationship between the 'scrubber pad' and the 'gear box';

✓ Lines 3 and 4, it is unclear as to how there is a 'second' scrubber pad and a 'second' gear box when there has been no prior recitation of a 'first' of either device.

✓ Claim 11, Claim 10, it is unclear as to structural relationship between the 'buffer pad' and the 'gear box'.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 6 and 8-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Thatcher et al..

Thatcher et al. discloses a frame (fig. 1, #101).

Thatcher et al. discloses a first scrubber attached to the frame (fig. 1, #107a).

Thatcher et al. discloses a buffer attached to the frame (fig. 1, #106a).

Thatcher et al. discloses a squeegee attached to the frame between the scrubber and buffer (fig. 1, #304).

Thatcher discloses a motor means mounted on the frame for powering the scrubber and buffer (fig. 1, #103).

Art Unit: 1744

With respect to claim 2, Thatcher et al. discloses the motor means being an engine (col. 5, lines 19-23).

With respect to claim 3, Thatcher et al. discloses a second scrubber attached to the frame(fig. 1, #107b).

With respect to claim 4, Thatcher et al. discloses a vacuum (col. 5, lines 35-45).

With respect to claim 6, Thatcher et al. discloses first and second stability wheels (col. 7, lines 19-21).

With respect to claim 8, Thatcher et al. disclose the frame being made of steel (col. 7, lines 48-49).

With respect to claim 9, Thatcher et al. discloses the first scrubber means including a first scrubber pad a first gear box (col. 6, lines 19-20).

With respect to claim 10, Thatcher et al. discloses the second scrubber means including a second scrubber pad a second gear box (col. 6, lines 19-20).

With respect to claim 11, Thatcher et al. discloses the buffer including a buffer pad and gear box (col. 6, lines 16-17).

With respect to claim 12, Thatcher et al. discloses the squeegee including a squeegee mount and blade (col. 5, line 46).

With respect to claim 13, Thatcher et al. discloses the engine being a propane engine (col. 5, line 22).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thatcher et al. as applied to claims 2/1 above, and further in view of Nagayama et al..

Art Unit: 1744

Thatcher et al. discloses a similar device however fails to disclose a second drive wheel and control panel.

With respect to claim 5, Thatcher et al. disclose a single drive wheels (fig. 1, #105). Nagayama et al. discloses a cleaning machine having two drive wheels (col. 3, lines 35-39). It would have been obvious to one of ordinary skill in the art to provide the second drive wheel of Nagayama et al. in Thatcher et al. to allow for a broader base of support and greater stability.

With respect to claim 7, Nagayama et al. discloses a cleaning machine with a control panel (col. 3, lines 49-51). It would have been obvious to one of ordinary skill in the art to provide the control panel of Nagayama et al. in Thatcher et al. to have a way of displaying to an operator the operation states and conditions of the machine.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thatcher et al..

Thatcher et al. discloses a similar device however fails to disclose certain particulars.

Thatcher et al. discloses the engine being an internal combustion engine (claim 1,B). Thatcher et al. discloses a vacuum/blower(col. 4, lines 65-66). It would have been obvious to one of ordinary skill in the art to determine the most appropriate elements to work in conjunction with the engine of Thatcher et al. to allow for the most effective operation, no matter where the device is to be used.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Olds discloses a cleaning machine having the ability to perform several different

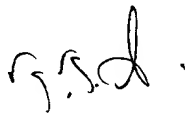
Art Unit: 1744

operations. Venard et al. and Nayfa et al. disclose cleaning machines capable of both scrubbing and burnishing. Campbell and Alvarez et al. disclose cleaning machines having an engine that operates both a scrubber and a buffer. Kasper and O'Connor et al. disclose cleaning machines that have internal combustion engines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 879-9310 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Theresa T. Snider
Examiner
Art Unit 1744

TTS
May 6, 2002